



General Assembly

January Session, 2005

Amendment

LCO No. 8066

HB0674708066SD0

Offered by:

SEN. DAILY, 33rd Dist.
SEN. STILLMAN, 20th Dist.
SEN. RORABACK, 30th Dist.
SEN. GUGLIELMO, 35th Dist.

REP. ORANGE, 48th Dist.
REP. SPALLONE, 36th Dist.
REP. O'CONNOR, 35th Dist.

To: House Bill No. 6747

File No. 823

Cal. No. 600

"AN ACT CONCERNING REGIONAL CHILDREN'S PROBATE COURTS."

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- 1 In line 34, strike "(g)" and insert "(f)" in lieu thereof
 - 2 In line 37, strike "(g)" and insert "(f)" in lieu thereof
 - 3 Strike lines 40 to 49, inclusive, in their entirety
 - 4 In line 50, strike "(f)" and insert "(e)" in lieu thereof
 - 5 In line 58, strike "(g)" and insert "(f)" in lieu thereof
 - 6 In line 60, strike "(g)" and insert "(f)" in lieu thereof
 - 7 In line 96, strike "(h)" and insert "(g)" in lieu thereof
 - 8 In line 105, strike "(i)" and insert "(h)" in lieu thereof

9 In line 117, strike "(j)" and insert "(i)" in lieu thereof

10 In line 119, strike "(k)" and insert "(j)" in lieu thereof

11 After the last section, add the following and renumber sections and
12 internal references accordingly:

13 "Sec. 501. Section 45a-56 of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective July 1, 2005*):

15 (a) Notwithstanding the provisions of section 5-259, as amended by
16 this act, the Comptroller, with the approval of the Attorney General
17 and the Insurance Commissioner, shall arrange and procure a group
18 hospitalization and medical and surgical insurance and dental
19 insurance plan for the probate judges and employees retirement
20 system with coverage equal to that available under section 5-259, as
21 amended by this act, or otherwise available, to retired state employees
22 and their spouses and surviving spouses.

23 (b) Any member of the probate judges and employees retirement
24 system who is retired and receiving benefits from such system, and the
25 spouse of any such member, and upon the death of any such member,
26 such member's surviving spouse, while receiving benefits from such
27 system, may elect to participate in the group insurance plan procured
28 by the Comptroller under subsection (a) of this section.

29 (c) [The] (1) Before January 3, 2007, the premium charged for any
30 such member and spouse or surviving spouse who elects to participate
31 in the group hospitalization and medical and surgical portion of such
32 coverage shall be paid from the retirement fund established pursuant
33 to section 45a-35. Twenty per cent of the premium charged for any
34 such member and spouse or surviving spouse who elects to participate
35 in the group dental portion of such coverage shall be paid from said
36 retirement fund [.] and the remainder of the premium for such
37 coverage shall be paid by the participant.

38 (2) On and after January 3, 2007, the premium charged for any such

39 member and spouse or surviving spouse who elects to participate in
40 the group hospitalization and medical and surgical portion of such
41 coverage shall be paid from the General Fund. Twenty per cent of the
42 premium charged for any such member and spouse or surviving
43 spouse who elects to participate in the group dental portion of such
44 coverage shall be paid from the General Fund and the remainder of the
45 premium for such coverage shall be paid by the participant.

46 (d) Any such member and spouse or surviving spouse who is a
47 participant in the group insurance plan in effect prior to October 1,
48 1994, may elect to participate in the plan set forth in subsection (a) of
49 this section at the premiums set forth in subsection (c) of this section,
50 provided such election is made within sixty days of October 1, 1994.

51 Sec. 502. Subsection (a) of section 45a-82 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2005*):

54 (a) The Probate Court Administration Fund is established, to consist
55 of the amounts [hereinafter] provided in this section, to be paid over as
56 [herein] provided in this section to the State Treasurer. For the fiscal
57 year ending June 30, 2007, and each fiscal year thereafter, amounts in
58 the fund may be expended only pursuant to appropriation by the
59 General Assembly.

60 Sec. 503. Section 45a-84 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2005*):

62 (a) The provisions of this subsection shall be applicable to fiscal
63 years before the fiscal year ending June 30, 2007. On or before April
64 first of each year, the Probate Court Administrator shall prepare a
65 proposed budget for the next succeeding fiscal year beginning July
66 first, for the appropriate expenditures of funds from the Probate Court
67 Administration Fund to carry out the statutory duties of the Probate
68 Court Administrator. The Probate Court Administrator shall submit
69 the proposed budget to the executive committee of the Probate
70 Assembly for review. The executive committee shall return the

71 proposed budget to the Probate Court Administrator no later than
72 May first, together with its comments and recommendations
73 concerning the proposed expenditures. The Probate Court
74 Administrator shall thereafter prepare a proposed final budget,
75 including such changes recommended by the executive committee as
76 the Probate Court Administrator deems appropriate. On or before May
77 fifteenth, the Probate Court Administrator shall transmit the proposed
78 final budget to the Chief Court Administrator for approval, together
79 with the comments and recommendations of the executive committee
80 of the Probate Assembly. On or before June fifteenth of that year, the
81 Chief Court Administrator shall take such action on the budget, or any
82 portion thereof, as the Chief Court Administrator deems appropriate.
83 If the Chief Court Administrator fails to act on the proposed budget on
84 or before June fifteenth, the budget shall be deemed approved as
85 proposed.

86 (b) The provisions of this subsection shall be applicable to fiscal
87 years before the fiscal year ending June 30, 2007. The Probate Court
88 Administrator may, from time to time, request authority from the
89 Chief Court Administrator to expend additional money from the
90 Probate Court Administration Fund to respond to any matter that
91 could not have been reasonably anticipated in the regular budget
92 process. A copy of all such requests shall be sent to the president judge
93 of the Connecticut Probate Assembly. If the Chief Court Administrator
94 fails to act on the request within twenty-one calendar days of receipt of
95 the request, the request shall be deemed approved.

96 (c) For the fiscal year ending June 30, 2007, and each fiscal year
97 thereafter, the Probate Court Administrator, in consultation with the
98 Connecticut Probate Assembly and the Chief Court Administrator,
99 shall prepare estimates for the appropriate expenditure of funds from
100 the Probate Court Administration Fund, and any recommended
101 adjustments and revisions to such estimates, to carry out the statutory
102 duties of the Probate Court Administrator. Such estimates shall be
103 included in the estimates of expenditure requirements, and any
104 recommended adjustments and revisions of such estimates,

105 transmitted by the judicial branch pursuant to section 4-77.

106 [(c)] (d) The Probate Court Administrator may authorize such
107 expenditures from the Probate Court Administration Fund for
108 emergency purposes as from time to time may be necessary, provided
109 the aggregate amount of such emergency expenditures for any one
110 fiscal year shall not exceed five thousand dollars. A report on each
111 such expenditure shall be sent to the Chief Court Administrator, [and]
112 the [president judge] president-judge of the Connecticut Probate
113 Assembly and the chairpersons of the joint standing committees of the
114 General Assembly having cognizance of matters relating to the
115 judiciary and appropriations and the budgets of state agencies within
116 ten days after the expenditure is made.

117 Sec. 504. Section 45a-107 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective July 1, 2005*):

119 (a) The basic costs for all proceedings in the settlement of the estate
120 of any deceased person, including succession and estate tax
121 proceedings, shall be in accordance with the provisions of this section.

122 (b) For estates in which proceedings are commenced on or after July
123 1, 2006, costs shall be computed in accordance with the schedule
124 required under subsection (b) of section 45a-107a, as amended by this
125 act.

126 [(b)] (c) For estates in which proceedings were commenced on or
127 after April 1, 1998, and prior to July 1, 2006, costs shall be computed as
128 follows:

129 (1) The basis for costs shall be (A) the gross estate for succession tax
130 purposes, as provided in section 12-349, the inventory, including all
131 supplements thereto, or the gross estate for estate tax purposes, as
132 provided in chapters 217 and 218, whichever is greater, plus (B) all
133 damages recovered for injuries resulting in death minus any hospital
134 and medical expenses for treatment of such injuries resulting in death
135 minus any hospital and medical expenses for treatment of such injuries

136 that are not reimbursable by medical insurance and minus the
 137 attorney's fees and other costs and expenses of recovering such
 138 damages. Any portion of the basis for costs that is determined by
 139 property passing to the surviving spouse shall be reduced by fifty per
 140 cent. Except as provided in subdivision (3) of this subsection, in no
 141 case shall the minimum cost be less than twenty-five dollars.

142 (2) Except as provided in subdivisions (3) and (4) of this subsection,
 143 costs shall be assessed in accordance with the following table:

T1	Basis for Computation	
T2	Of Costs	Total Cost
T3	0 to \$500	\$25
T4	\$501 to \$1,000	\$50
T5	\$1,000 to \$10,000	\$50, plus 1% of all
T6		in excess of \$1,000
T7	\$10,000 to \$500,000	\$150, plus .35% of all
T8		in excess of \$10,000
T9	\$500,000 to \$4,754,000	\$1,865, plus .25% of all
T10		in excess of \$500,000
T11	\$4,754,000 and over	\$12,500

144 (3) Notwithstanding the provisions of subdivision (1) of this
 145 subsection, if the basis for costs is less than ten thousand dollars and a
 146 full estate is opened, the minimum cost shall be one hundred fifty
 147 dollars.

148 (4) In estates where the gross taxable estate is less than six hundred
 149 thousand dollars, in which no succession tax return is required to be
 150 filed, a probate fee of .1 per cent shall be charged against non-solely-
 151 owned real estate, in addition to any other fees computed under this
 152 section.

153 [(c)] (d) For estates in which proceedings were commenced on or

154 after July 1, 1993, and prior to April 1, 1998, costs shall be computed as
155 follows:

156 (1) The basis for costs shall be: (A) The gross estate for succession
157 tax purposes, as provided in section 12-349, or the inventory, including
158 all supplements thereto, whichever is greater, plus (B) all damages
159 recovered for injuries resulting in death minus any hospital and
160 medical expenses for treatment of such injuries that are not
161 reimbursable by medical insurance and minus the attorney's fees and
162 other costs and expenses of recovering such damages. Any portion of
163 the basis for costs that is determined by property passing to the
164 surviving spouse shall be reduced by fifty per cent. Except as provided
165 in subdivision (3) of this subsection, in no case shall the minimum cost
166 be less than ten dollars.

167 (2) Except as provided in subdivision (3) of this subsection, costs
168 shall be assessed in accordance with the following table:

T12	Basis for Computation	
T13	Of Costs	Total Cost
T14	0 to \$1,000	\$10.00
T15	\$1,000 to \$10,000	\$10, plus 1% of all
T16		in excess of \$1,000
T17	\$10,000 to \$500,000	\$100, plus .30% of all
T18		in excess of \$10,000
T19	\$500,000 to \$4,715,000	\$1,570, plus .20% of all
T20		in excess of \$500,000
T21	\$4,715,000 and over	\$10,000

169 (3) If the basis for costs is less than ten thousand dollars and a full
170 estate is opened, the minimum cost shall be one hundred dollars.

171 [(d)] (e) For estates in which proceedings were commenced on or
172 after July 1, 1983, and prior to July 1, 1993, costs shall be computed as

173 follows:

174 (1) The basis for costs shall be: (A) The gross estate for succession
 175 tax purposes, as provided in section 12-349, minus one-third of the first
 176 fifty thousand dollars of any part of the gross estate for succession tax
 177 purposes that passes other than by will or under the laws of intestacy,
 178 plus (B) all damages recovered for injuries resulting in death minus
 179 any hospital and medical expenses for treatment of such injuries that
 180 are not reimbursable by medical insurance and minus the attorney's
 181 fees and other costs and expenses of recovering such damages.

182 (2) Costs shall be assessed in accordance with the following table:

T22	Basis for Computation	
T23	Of Costs	Total Cost
T24	0 to \$1,000	\$10.00
T25	\$1,000 to \$10,000	\$10, plus 1% of all
T26		in excess of \$1,000
T27	\$10,000 to \$100,000	\$100, plus .30% of all
T28		in excess of \$10,000
T29	\$100,000 to \$200,000	\$370, plus .25% of all
T30		in excess of \$100,000
T31	\$200,000 to \$500,000	\$620, plus .2% of all
T32		in excess of \$200,000
T33	\$500,000 to \$1,000,000	\$1,220, plus .15% of all
T34		in excess of \$500,000
T35	\$1,000,000 to \$5,000,000	\$1,970, plus .125% of all
T36		in excess of \$1,000,000
T37	\$5,000,000 and over	\$6,970, plus .1% of all
T38		in excess of \$5,000,000

183 [(e)] (f) For estates in which proceedings were commenced prior to
 184 July 1, 1983, costs shall be computed as follows:

T39	With respect to any estate	Costs computed under:
T40	in which any proceedings	
T41	were commenced or	
T42	succession tax documents filed:	
T43	Prior to January 1, 1968	Section 45-17 of the
T44		1961 supplement to
T45		the general statutes
T46	Prior to July 1, 1969, but	Section 45-17a of the
T47	on or after January 1, 1968	1967 supplement to
T48		the general statutes
T49	Prior to July 1, 1978, but	Section 45-17a of the
T50	on or after July 1, 1969	1969 supplement to
T51		the general statutes
T52	Prior to July 1, 1983, but	Section 45-17a of the
T53	on or after July 1, 1978	general statutes,
T54		revised to
T55		January 1, 1983

185 [(f)] (g) If more than one hearing is held in any matter under this
 186 section, an additional charge of twenty-five dollars shall be payable to
 187 the court by the estate, or, in the discretion of the court, by any
 188 interested party against whom the court shall assess such additional
 189 charge.

190 [(g)] (h) If the total time of any one hearing in the matter exceeds
 191 one hour, an additional charge of twenty-five dollars per hour for each
 192 hour in excess of the first hour shall be payable to the court by the
 193 estate, or at the discretion of the court by any interested party against
 194 whom the court shall assess the additional charge, provided the
 195 additional charge shall not exceed three hundred dollars.

196 [(h)] (i) A charge of fifty dollars shall be payable to the court by any

197 creditor applying to the Court of Probate pursuant to section 45a-364
198 or 45a-401 for consideration of a claim. If such claim is allowed by the
199 court, the court may order the fiduciary to reimburse the charge from
200 the estate.

201 [(i)] (j) A charge of fifty dollars for an appeal shall be payable to the
202 court by the appellant.

203 [(j)] (k) A charge of fifty dollars plus the actual costs of rescheduling
204 the adjourned hearing shall be payable to the court by any party who
205 requests an adjournment of a scheduled hearing or whose failure to
206 appear necessitates an adjournment, provided the court may waive the
207 charge and costs for cause shown.

208 [(k)] (l) In no event shall any fee exceed ten thousand dollars for any
209 estate in which proceedings were commenced prior to April 1, 1998,
210 and twelve thousand five hundred dollars for any estate in which
211 proceedings were commenced on or after April 1, 1998.

212 Sec. 505. Section 45a-107a of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective from passage*):

214 (a) (1) The Probate Court Administrator, in consultation with the
215 Commissioner of Revenue Services, shall develop a method for the
216 determination of a gross estate for purposes of the computation of cost
217 for settlement of estates, pursuant to section 45a-107, as amended by
218 this act, for estates of decedents whose death occurs on or after January
219 1, 2005, and in which proceedings are commenced prior to July 1, 2006,
220 and shall prepare a form to be used by the court for such purpose.

221 [(b)] (2) The [administrator] Probate Court Administrator shall
222 report to the joint standing committees of the General Assembly
223 having cognizance of matters relating to finance, revenue and bonding
224 and the judiciary, on or before January 1, 2004. Said report shall
225 include, but is not limited to, the form which has been developed and a
226 recommendation regarding any legislative changes necessary to
227 implement the suggested method for determination of gross estate.

228 (b) (1) Not later than January 1, 2006, the Probate Court
229 Administrator, in consultation with the Connecticut Probate Assembly,
230 shall develop a schedule of costs for the settlement of estates, pursuant
231 to section 45a-107, as amended by this act, for estates in which
232 proceedings are commenced on or after July 1, 2006. Such schedule
233 shall include the basis for the computation of such costs and any
234 required forms. In developing such schedule, the Probate Court
235 Administrator shall (A) formulate a method of calculating the gross
236 value of the estate for purposes of assessing such costs that is not
237 dependent on the imposition of the succession tax under chapter 216,
238 and (B) consider the reasonable revenue requirements of the probate
239 court system and any loss of revenue resulting from the phase out of
240 such tax.

241 (2) Not later than January 1, 2006, the Probate Court Administrator
242 shall submit the schedule of costs required by this subsection, and a
243 recommendation regarding any legislative changes necessary to fully
244 implement such schedule, to the joint standing committees of the
245 General Assembly having cognizance of matters relating to the
246 judiciary and finance, revenue and bonding.

247 Sec. 506. Subsection (g) of section 5-259 of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective July*
249 *1, 2005*):

250 (g) Notwithstanding the provisions of subsection (a) of this section:
251 []

252 (1) Before January 3, 2007, the Probate Court Administration Fund
253 established [in accordance with] under section 45a-82, as amended by
254 this act, shall pay for each probate judge and Probate Court employee
255 not more than one hundred per cent of the portion of the premium
256 charged for [his] the individual coverage of such judge or employee
257 and not more than fifty per cent of any additional cost for [his] the
258 form of coverage of such judge or employee. The remainder of the
259 premium for such coverage shall be paid by the probate judge or

260 Probate Court employee to the State Treasurer. Payment shall be
261 credited by the State Treasurer to the fund established [by] under
262 section 45a-82, as amended by this act. The total premiums payable
263 shall be remitted by the Probate Court Administrator directly to the
264 insurance company or companies or nonprofit organization or
265 organizations providing the coverage. [The Probate Court
266 Administrator shall establish regulations governing group
267 hospitalization and medical and surgical insurance in accordance with
268 subdivision (1) of subsection (b) of section 45a-77.]

269 (2) On and after January 3, 2007, not more than one hundred per
270 cent of the portion of the premium charged for the individual coverage
271 of each probate judge and Probate Court employee and not more than
272 fifty per cent of any additional cost for the form of coverage of such
273 judge or employee shall be paid from the General Fund. The
274 remainder of the premium for such coverage shall be paid by the
275 probate judge or Probate Court employee."